

In the United States Court of Federal Claims

No. 22-423

(Filed: 26 October 2022)

NOT FOR PUBLICATION

RONALD EWING,

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Plaintiff,

*

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v.

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THE UNITED STATES,

*

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Defendant.

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ORDER

On 11 April 2022, *pro se* plaintiff Ronald Ewing filed a complaint against the Bureau of Prison DSAC Administrative South Central Regional Office Counsel alleging “fraud, perjury, conspiracy, mail fraud, violence, threats, coercion and intimidation toward Inmate Ewing to keep him from receiving his monetary funds.” Compl. at 5, ECF No. 1. The government asked the Court to dismiss plaintiff’s complaint for lack of subject matter jurisdiction. Def.’s Mot. to Dismiss, ECF No. 7. When plaintiff failed to respond by the deadline, the Court ordered plaintiff to respond by 30 August 2022. Order at 1, ECF No. 8. On 18 August 2022, plaintiff filed a letter stating he received the Court’s order to respond to the government’s motion to dismiss but never received a copy of the government’s motion and requesting a copy of the government’s motion to dismiss as well as a further extension of time to respond. *See* Order, ECF No. 9. The Court granted plaintiff a second extension of time and directed the Clerk to mail plaintiff relevant documents so plaintiff could reply to the government’s motion to dismiss. *Id.* On 22 September 2022, plaintiff requested the Court “grant[a] motion of dismissal” of the case because plaintiff is unable to “proficiently litigate a case in the U.S. Court of Federal Claims.” Mot. to Dismiss (“Pl.’s Mot. to Dismiss”) at 1–2, ECF No. 11.

Both parties request dismissal, so the Court assumes neither party opposes the other’s motion. *See* Def.’s Mot. to Dismiss; Pl.’s Mot. to Dismiss. Accordingly, the Court **GRANTS** plaintiff’s motion to dismiss, ECF No. 11, and **DISMISSES** plaintiff’s complaint without prejudice at plaintiff’s request pursuant to Rule 41(a)(2) of the Rules of the Court of Federal Claims. The Court therefore **FINDS as MOOT** the government’s motion to dismiss, ECF No. 7. The Court **DIRECTS** the Clerk’s Office to enter judgment dismissing plaintiff’s complaint without prejudice.¹

¹ On 17 October 2022, plaintiff filed a letter asking the Court for a “status quo update” for the motion to dismiss. The Court’s rules do not provide for the filing of a letter, and plaintiff did not include a motion for leave to file with

IT IS SO ORDERED.

s/ Ryan T. Holte
RYAN T. HOLTE
Judge

the submission. Accordingly, the document is deficient, and the Court **REJECTS** plaintiff's 17 October 2022 deficient filing.